

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

HON. THOMAS B. LINDBERG

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Rachel Roehe, Deputy Clerk

DATE: June 4, 2010

**FILED**

DATE: June 4, 2010

4:45 O'Clock P.M.

**JEANNE HICKS, CLERK**

BY: Rachel Roehe

**Deputy**

**TITLE:**

**STATE OF ARIZONA**

(Plaintiff)

vs.

**STEVEN CARROLL DEMOCKER**

(D-1)

**COUNSEL:**

**Yavapai County Attorney (e)**

(For Plaintiff)

**John Sears (e)**

**Larry Hammond & Anne Chapman (e)**

OSBORN MALEDON, P.A.

(For Defendant)

**HEARING ON:**

Jury Trial – Day 17

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Roxanne Tarn

**START TIME: 8:47 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
Steven DeMocker, Defendant  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant  
Christopher DuPont, Counsel for the Victims

Court convenes with the presence of the Defendant, Counsel, and the Jury.

Charlotte Democker is sworn and testifies.

Exhibit 2292 is admitted into evidence without objection and published to the Jury.

Exhibit 2293 is admitted into evidence without objection and published to the Jury.

~\*~\*~\*~\*~ Recess – 10:40 a.m. ~\*~\*~\*~\*~

At 10:42 a.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and Counsel for the victims. The Jury is not present.

Discussion takes place with regard to Exhibit 2292 and personal identifying information.

Counsel for the victims requests that the Court redact the phone number on the exhibit.

**IT IS ORDERED** that if the media has recorded the display of Exhibit 2292 containing a phone number, the last seven numbers of the phone number shown after the letters "CB" on the exhibit shall be blacked out.

A separate order to the media is signed and distributed this date.

Further discussion takes place with regard to Exhibit 2292.

The Court **ORDERS** substituting a redacted version of Exhibit 2292 to be entered in place of the original Exhibit 2292, which contained the phone number. The original Exhibit 2292 was destroyed by the Court this date.

Discussion takes place with regard to the media.

Discussion takes place with regard to Counsel for the victims having contact with the Defendant.

The Court notes that the issue of visitation remains under advisement, and the issue includes Christopher DuPont's ability to visit with the Defendant.

Discussion takes place with regard to the numbering of the exhibits.

~\*~\*~\*~\*~ Recess – 11:13 a.m. ~\*~\*~\*~\*~

At 11:15 a.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys, Counsel for the victims, and the Jury.

Charlotte Democker resumes the witness stand and testifies further.

An enlarged version of Exhibit 2292 is displayed for the Jury.

Court and Counsel hold a discussion at sidebar, off the record.

Exhibit 2294 is admitted into evidence for illustrative purposes only without objection.

Exhibit 2295 is admitted into evidence without objection.

~\*~\*~\*~\*~ Recess – 12:02 p.m. ~\*~\*~\*~\*~

At 1:15 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and Counsel for the victims. The Jury is not present.

Court and Counsel discuss the visitation issue. The Court is informed that the jail has agreed to schedule visitation for the family on Saturdays beginning tomorrow.

With regard to the Motion for Visitation, pending its successful implementation, the Court deems the motion to be moot.

Discussion takes place with regard to questions about demeanor.

The Court states that it does not believe that it is very probative. Under 403, the Court does not believe that this would come in.

~\*~\*~\*~\*~ Recess – 1:29 p.m. ~\*~\*~\*~\*~

At 1:30 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys, Counsel for the victims, and the Jury.

Charlotte Democker resumes the witness stand and testifies further.

Court and Counsel hold a discussion at sidebar, off the record, to discuss questions from the Jury.

~\*~\*~\*~\*~ Recess – 1:44 p.m. ~\*~\*~\*~\*~

At 1:45 p.m., Court reconvenes in chambers with the presence of all Defense Counsel, both Deputy County Attorneys and Counsel for the victims. The Defendant's presence is waived.

Discussion takes place with regard to the Jury questions.

~\*~\*~\*~\*~ Recess – 2:15 p.m. ~\*~\*~\*~\*~

At 2:24 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys, Counsel for the victims, and the Jury.

Charlotte Democker resumes the witness stand.

The Court asks the witness some of the questions from the Jury.

The witness steps down.

Katherine Dean Warnett is sworn and testifies.

Court and Counsel hold a discussion at sidebar, off the record.

~\*~\*~\*~\*~ Recess – 3:01 p.m. ~\*~\*~\*~\*~

At 3:02 p.m., Court reconvenes in chambers with the presence of all Defense Counsel and both Deputy County Attorneys. The Defendant's presence is waived.

Discussion takes place with regard to Katherine Dean Warnett's testimony and 404 issues.

Discussion takes place with regard to the testimony of the potential witness, Sally Butler.

The Court states that it does not believe that the discussed testimony with regard to Sally Butler is allowable.

~\*~\*~\*~\*~ Recess – 3:18 p.m. ~\*~\*~\*~\*~

At 3:21 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and the Jury.

Katherine Dean Warnett resumes the witness stand and testifies further.

Court and Counsel hold a discussion at sidebar, off the record.

~\*~\*~\*~\*~ Recess – 3:47 p.m. ~\*~\*~\*~\*~

At 3:48 p.m., Court reconvenes in chambers with the presence of all Defense Counsel and both Deputy County Attorneys. The Defendant's presence is waived.

Discussion takes place with regard to objections to Katherine Dean Warnett's testimony.

Defense Counsel makes an oral Motion for Mistrial due to the testimony of this witness.

The Motion for Mistrial is **DENIED**.

The Court **GRANTS** the request to strike the discussed statement from the testimony of this witness.

Discussion takes place with regard to the visitation issue. The Court is informed that the Saturday visitation is only for this Saturday and that further discussion with regard to changing the visitation schedule will take place on Monday.

The Court states that the issue of the visitation motion remains under advisement at this time.

~\*~\*~\*~\*~ Recess – 4:01 p.m. ~\*~\*~\*~\*~

At 4:07 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and the witness, Katherine Dean Warnett.

Court and Counsel discuss a question from the Jury.

~\*~\*~\*~\*~ Recess – 4:10 p.m. ~\*~\*~\*~\*~

At 4:12 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel, both Deputy County Attorneys and the Jury.

Katherine Dean Warnett resumes the witness stand and testifies further.

The Jurors are advised with regard to the striking of one of the statements of the witness, Katherine Dean Warnett.

The Court asks the witness the question from the Jury.

The witness steps down.

The Jury is reminded of the admonition.

~\*~\*~\*~\*~ Recess – 4:38 p.m. ~\*~\*~\*~\*~

At 4:39 p.m., Court reconvenes with the presence of the Defendant, all Defense Counsel and both Deputy County Attorneys.

The Court is advised that the Sheriff's detention facility will provide visitation tomorrow to six people. Subsequently, the Sheriff's Office and Defense are agreeable to visitation on alternating Tuesdays when the trial is not in session, as long as there are no violations of policies and procedures of the detention facility.

The Court finds that the request for the Court's intervention at this point is moot.

**END TIME: 4:45 p.m.**

cc: VS (e)  
Dean Trebesch (Contract Administrator) (PD) (e)  
Division 6 (Investigative Services Unit)  
YCSO (e)  
John Napper, Counsel for Renee Girard (e)  
Christopher DuPont, Trautman DuPont PLC (e),  
Counsel for Victims Charlotte and Katherine DeMocker